

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SIDDARTH EASWAR, *et al.*,

No. C21-1081-MJP

Plaintiffs,

STIPULATED DISMISSAL AND  
ORDER

UR M. JADDOU.

Noted for Consideration:  
November 19, 2021

Defendant.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby stipulate to dismiss this case, without prejudice, on the following terms:

1. U.S. Citizenship and Immigration Services (“USCIS”) has approved the Form I-829 for Plaintiff Dung T. Pham (WAC1816653017) and removed the conditions of several of his derivative beneficiaries.

2. Notwithstanding Plaintiff Dung T. Pham's adjudication, Plaintiffs A.P and T.P. had previously provided USCIS with their biometrics, however, USCIS seeks those biometrics collections to be redone as the collected biometrics was valid for 15 months. According to Defendant, Plaintiffs A.P and T.H. have biometrics appointments scheduled and these must be completed prior to their approval.

1 a. Plaintiff A.P., a minor child, is presently in Texas. Her biometrics  
 2 appointment is scheduled for Nov. 19, 2021 in Houston, TX. If, for whatever  
 3 reason, Plaintiff A.P. cannot attend this appointment, USCIS agrees to place  
 4 Plaintiff A.P. within the queue to reschedule the appointment within 30 days of  
 5 notification of a rescheduling request. USCIS will adjudicate within 30 days of  
 6 biometrics collection.

7 b. Plaintiff T.P., a minor child, is presently abroad. She plans to return to  
 8 the U.S. on June 25, 2021. USCIS agrees to reschedule her Nov. 19, 2021  
 9 appointment to allow for the collection of biometrics upon her return to the  
 10 United States, to take place the week of June 27-July 1, 2022. USCIS shall not  
 11 deny her petition as abandoned before this time. Notwithstanding the foregoing, if  
 12 T.P. is able to secure a biometrics appointment at a U.S. consulate or embassy  
 13 abroad June 27, 2022, USCIS will apply those collected biometrics to her case.  
 14 USCIS will adjudicate within 30 days of biometrics collection.

15 3. USCIS shall adjudicate the remaining Forms I-829 on the following schedule:

| 17 <b>Principal Plaintiff<br/>(WAC#)</b>     | 18 <b>New Commercial<br/>Enterprise</b> | 19 <b>Deadline for Initial<br/>Adjudicative Action<br/>from the Date of the<br/>Execution of this<br/>Stipulation</b> |
|--|---|---|
| 20 Yuxuan JI<br><br>(WAC2090027217)          | 21 AYB Funding 100 LLC                  | 22 45 days  |
| 23 Aake<br>GREGERTSEN<br><br>(WAC2090042010) | 24 Kennesaw GCFID<br>Partners LP        | 25 75 days  |
| 26 Siddharth EASWAR<br><br>(WAC2190041136)   | 27 DVRC Pennsylvania<br>Turnpike 1 LP   | 28 105 days   |
| Umberto SAETTI<br><br>(WAC2190050775)        | DVRC Pennsylvania<br>Turnpike 2 LP      | 105 days  |

|   |  |   |          |
|---|--|---|----------|
| 1 | Siddhartha<br>RANGINENI<br><br>(WAC2190039753) | Odlum Equestrian<br>Lenders LLC                         | 135 days |
| 2 | Sanjay RAIKAR<br><br>(WAC2190045041)           | Odlum Equestrian<br>Lenders LLC                         | 135 days |
| 3 | Naveen KONETI<br><br>(WAC2190012702)           | Bronx Food Processing<br>and Distribution Fund 2<br>LLC | 165 days |
| 4 | Sachin ANANTHA<br><br>(WAC2190059597)          | Bronx Food Processing<br>and Distribution Fund 2<br>LLC | 165 days |
| 5 | Snigdha PATI<br><br>(WAC2190055948)            | Pennhills Veterinary<br>Care and Rehabilitation<br>LLC  | 180 days |

11       4.       USCIS will, within 30 days of the execution of this Stipulated Dismissal, provide  
 12 Plaintiffs' counsel with a report (the "Biometrics Report") indicating which, if any, Plaintiffs still  
 13 require biometric collection in order to adjudicate his or her Form I-829 filing. If any such  
 14 Plaintiff does require biometrics collection as per the Biometrics Report, USCIS will place that  
 15 person in the queue to schedule a biometrics appointment within 30 days of transmitting the  
 16 Biometrics Report.

17       5.       USCIS agrees to adjudicate the subject Forms I-829 in good faith. If USCIS  
 18 issues a Request for Evidence ("RFE") or Notice of Intent to Deny ("NOID") for any of the  
 19 Plaintiff's petitions or biometrics, USCIS will take the next adjudicative action within 45 days  
 20 from receipt of Plaintiffs' response(s). This 45-day timeframe will apply to the response to any  
 21 subsequent RFE or NOID issued in each Plaintiff's case.

22       6.       If a Plaintiff believes USCIS has breached this agreement in any way, he or she  
 23 will notify undersigned counsel and provide USCIS with at least 7 days to remedy any such  
 24 breach. If USCIS fails to remedy said breach within 7 days (the "Cure Period"), an affected  
 25 Plaintiff may file a Motion to Reopen this matter and petition this Court for the attorneys' fees  
 26 and costs associated with enforcing this Stipulated Dismissal, notwithstanding whether any such  
 27

1 alleged cure occurring after the Cure Period has elapsed. Defendant agrees to be subject to  
2 jurisdiction and venue with regard to any such filing sought to enforce the terms and conditions  
3 of this Stipulated Dismissal, filed in this Court / within the Western District of Washington.

4 7. Except as otherwise provided in the preceding paragraph, the parties agree to bear  
5 their own costs and attorneys' fees.

6 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

7 Dated: November 19, 2021

8 Respectfully submitted,

9 NICHOLAS W. BROWN  
10 United States Attorney

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37 *Counsel Pro Hac Vice*

*Counsel for Plaintiffs*

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## ORDER

The parties having so stipulated, the above is SO ORDERED. The case is dismissed without prejudice.

DATED this 19th day of November, 2021.

Wesley. Relema

Marsha J. Pechman  
United States Senior District Judge